action into a personal one. *Butcher* v. *Cappon & Bertsch Leather Co.*, 148 Mich. 552, 112 N. W. 110; *Blyler* v. *Kline*, 64 Pa. St. 130. Again a replevy bond may be given the effect of an appearance by express statute. *Camp* v. *Cahn*, 53 Ga. 558; *Buice* v. *Lowman, etc. Mining Co.*, 64 Ga. 769. Such a provision would make the filing of a replevy bond, as of a bail bond, confer personal jurisdiction, since the defendant may get his property only on condition that he give the required consent. But the Texas statute is silent as to the effect of the replevy bond as an appearance. See 1 McEachin's Texas Civil Statutes, art. 258, 269, 1885. Hence the filing of such a bond, as it is not conditioned on paying the judgment but merely on returning the property, should not be treated as a general appearance. See *contra, Richard* v. *Mooney*, 39 Miss. 357, 358. But a replevy bond, even though not construed as a general appearance, gives consent to the attachment so as to waive technical defects in the summons. *New Haven Co.* v. *Raymond*, 76 Ia. 225, 40 N. W. 820; *McCord-Collins Mercantile Co.* v. *Dodson*, 32 Okla. 561, 121 Pac. 1085. *Contra, Burch* v. *Watts*, 37 Tex. 135. It would seem that since defendant is thereby shown to know of the action, the filing of the bond should similarly waive the technical defect of lack of constructive notice. *Peebles* v. *Weir*, 60 Ala. 413; *Reynolds* v. *Jordan*, 19 Ga. 436.

Bankruptcy — Exemptions — Homesteads — Validity of Homestead Exemption Acquired after Adjudication. — A state statute provided that the head of a family residing upon his own premises might, by executing and filing for record a proper declaration, convert them into a homestead exempt from levy and forced sale. Rev. Code of Mont. (1907), §§ 4694–4722. A bankrupt filed such a declaration after the adjudication against him. *Held*, that the exemption will be allowed. *In re Lehfeldt*, 225 Fed. 681 (U. S. Dist. Ct., Mont.).

The Bankruptcy Act provides that the bankrupt's title shall vest in the trustee as of the date of the adjudication, except as to property which is exempt. 1898, 30 Stat. at L. 544. The power of the bankrupt to hold as owner is completely determined as of that moment. See *Mueller* v. *Nugent*, 184 U. S. 1, 14. It would seem that the exemption, to be valid, should be then existing. The homestead statute in the principal case in terms gives no exemption until the filing of the declaration; and it and similar statutes have been so construed. See *Vincent* v. *Vineyard*, 24 Mont. 207, 214, 61 Pac. 131, 132; *Alexander* v. *Jackson*, 92 Cal. 514, 519, 28 Pac. 593, 594; *Nevada Bank* v. *Treadway*, 17 Fed. 887, 893. No doubt a liberal policy prevails in the construction of exemption statutes. See *Smith* v. *Thompson*, 213 Fed. 335, 336; *In re Crum*, 221 Fed. 729, 732. Thus, a partner has been allowed an exemption though dissolution of the firm was subsequent to the judgment against it. *O'Gorman* v. *Fink*, 57 Wis. 649, 15 N. W. 771; *Blanchard, Williams & Co.* v. *Paschal*, 68 Ga. 32. But even such a case is distinguishable, as no title in the creditor is involved. A number of decisions, however, in accord with the principal case, sustain exemptions acquired by a bankrupt after adjudication. *In re Mayhew*, 218 Fed. 422; *In re Culwell*, 165 Fed. 828; *In re Fisher*, 142 Fed. 205. Whatever policy there may be sustaining such a view, it seems insufficient to override the clear language of the statute, and one court at least has reached the opposite result. *In re Youngstrom*, 153 Fed. 98.

Bills and Notes — Checks — Certified Checks — Retraction of Certification Made under Mistake. — The drawer of a check payable to the plaintiff ordered the bank on which it was drawn to stop payment. The cashier, overlooking this stop order, certified the check. Before the plaintiff had changed his position, the cashier notified him of his error and attempted to retract the certification. The plaintiff now sues on the certified check with-